

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KENDRICK JACKSON,

Plaintiff,

v.

Case No. 06-C-660

**CITY OF MILWAUKEE POLICE OFFICERS
DETECTIVE VICKEY HALL,
P.O. DENNIS DALTON, P.O. GARY BROWN,
P.O. JOHN A. DOE, P.O. JOHN B. DOE,
P.O. JOHN C. DOE, P.O. JOHN D. DOE,
P.O. JOHN E. DOE, P.O. JOHN F. DOE, and
P.O. JOHN G. DOE,**

Defendants.

ORDER

The *pro se* plaintiff, Kendrick Jackson, filed his civil rights complaint under 42 U.S.C. § 1983 on June 6, 2006, along with a petition to proceed *in forma pauperis*. By order of July 12, 2006, the court granted his request for leave to proceed *in forma pauperis* and allowed him to proceed on his Fourth Amendment claims for wrongful arrest and unreasonable search. However, the court stayed the action pending the outcome of his underlying criminal case. By order of January 3, 2007, the court ordered that the stay be lifted and directed the United States Marshal to serve the defendants with the complaint.

Presently before the court is the plaintiff's letter of January 29, 2007, which the court received on February 2, 2007, in which he asks the court to dismiss his case, without prejudice. The court will treat plaintiff's letter request as a motion for voluntary dismissal.

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, "an action may be dismissed by the plaintiff without order of the court . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs," Although this action has been screened pursuant to 28 U.S.C. §1915A, no answer or other responsive pleading has yet been filed. Thus, while plaintiff did not need to seek a court order dismissing his action, the court will nevertheless grant his motion to voluntarily dismiss his action.

IT IS ORDERED that plaintiff's motion to voluntarily dismiss his action (Docket #7) is **GRANTED**.

IT IS FURTHER ORDERED that this action is dismissed without prejudice.

IT IS FURTHER ORDERED that this dismissal will not be counted as a "strike" under 28 U.S.C. § 1915(g).

IT IS ALSO ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin, this 6th day of February, 2007.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge